

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

U. S. DISTRICT COURT
H. D. OF N. Y.
FILED

APR 27 2005

UNITED STATES OF AMERICA,

vs

AT _____ O'CLOCK _____ M
LAWRENCE K. BAERMAN, Clerk
1:04-CR-467 UTICA

TERRENCE F. TESSARIZIK,
Defendant.

APPEARANCES:

OF COUNSEL:

DONALD T. KINSELLA, ESQ.
Attorney for Defendant
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90 State Street
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HON. GLENN T. SUDDABY
United States Attorney
Attorney for Government
Northern District of New York
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Syracuse, New York 13261-5165

RICHARD S. HARTUNIAN, ESQ.
Assistant U.S. Attorney

DAVID N. HURD
United States District Judge

ORDER


Defendant moved for an order pursuant to Fed. R. Crim. P. 12(b)(3) to suppress items seized pursuant to a search warrant, or in the alternative, for a Franks hearing and to suppress defendant's statement. The government opposed.

Oral argument was heard on April 22, 2005, in Albany, New York. A decision was rendered from the bench.

Therefore, it is

ORDERED that defendant's motion is DENIED in all respects.

IT IS SO ORDERED.



United States District Court

Dated: April 26, 2005
Utica, New York.